Moses P. Kinkaid

Late a Representative from Nebraska

Memorial Addresses Delivered in Congress

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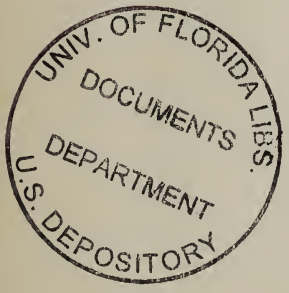
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Moses P. Kinkaid

Memorial Addresses

DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN MEMORY OF

MOSES P. KINKAID

LATE A REPRESENTATIVE FROM NEBRASKA

Sixty-Seventh Congress

JANUARY 14, 1923

GOVERNMENT PRINTING OFFICE
WASHINGTON
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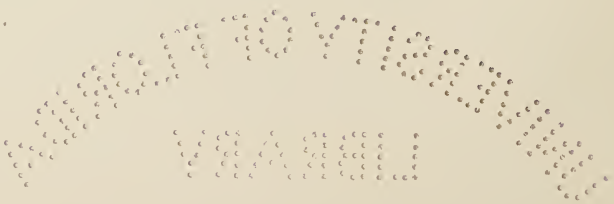


CONTENTS

	Page
Proceedings in the House	1
Prayer by Rev. Page Milburn	3
Memorial address by—	
Mr. A. R. Humphrey, of Nebraska	5
Mr. Robert E. Evans, of Nebraska	15
Mr. R. H. Thorpe, of Nebraska	17
Mr. James O'Connor, of Louisiana	21
Mr. Addison T. Smith, of Idaho	26
Mr. Frank W. Mondell, of Wyoming	29
Mr. Charles E. Fuller, of Illinois	31
Mr. William E. Andrews, of Nebraska	33
Proceedings in the Senate	41

73173

Proceedings
in the
House of Representatives

Death of Hon. Moses P. Kinkaid

Proceedings in the House of Representatives

TUESDAY, *August 15, 1922.*

Mr. ANDREWS of Nebraska. Mr. Speaker, it becomes my unwelcome duty to announce the death of Hon. MOSES P. KINKAID, late a Representative in Congress from the State of Nebraska. At some future time we hope to have opportunity to pay suitable tribute to his memory and public service. For the present I send to the Clerk's desk the following resolution and move its adoption.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. MOSES P. KINKAID, a Representative from the State of Nebraska.

Resolved, That the Clerk communicate these reolutions to the Senate, and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. CRAGO. Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from Pennsylvania offers the resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That as a further mark of respect to the memory of the late Representative KINKAID the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 25 minutes p. m.) the House adjourned until Wednesday, August 16, 1922, at 12 o'clock noon.

SATURDAY, *December 23, 1922.*

Mr. ANDREWS of Nebraska. Mr. Speaker, I understand that January 14 has been designated as the date for memorial exercises in honor of our late colleague, the Hon. James R. Mann, of Illinois. I have conferred with the gentleman from Illinois [Mr. Madden], upon whose request this order was made, and I find it perfectly agreeable to him and to the Nebraska delegation that exercises in memory of the Hon. MOSES P. KINKAID, late a Representative from the State of Nebraska, be had on that day, immediately after the memorial exercises in honor of Mr. Mann have been concluded. I ask that an order to that effect be made.

The SPEAKER pro tempore. Without objection, it will be so ordered. Is there objection?

There was no objection.

SUNDAY, *January 14, 1923.*

The House met at 12 o'clock noon.

Rev. Page Milburn, of Washington, D. C., offered the following prayer:

Almighty God, our Heavenly Father, the high and lofty One that inhabitest eternity, whose name is Holy. Thou dwellest in the high and holy place, and through Thy loving condescension Thou dwellest with him also that is of a contrite and humble spirit.

We come to Thee this day for the bestowal of those things which man can not provide. In the time of sorrow human sympathy is sweet, and human words are helpful, but there are depths which human reason can not fathom, storms which human sympathy can not quiet. But we are thankful to-day that the Lord's hand is not shortened that it can not save, neither His ear heavy that it can not hear. May the Divine Comforter abide with us forever.

Sing, O heavens; and be joyful, O earth; and break forth into singing O mountains; for the Lord hath comforted His people, and will have mercy upon His afflicted.

Glory be to the Father, and to the Son, and to the Holy Ghost. As it was in the beginning, is now, and ever shall be; world without end. Amen.

The SPEAKER. Without objection, the reading of the Journal will be deferred until to-morrow.

There was no objection.

The SPEAKER. The Clerk will report the additional order of the day.

The Clerk read as follows:

On motion of Mr. Andrews of Nebraska, by unanimous consent,

Ordered, That Sunday, January 14, 1923, be set apart for addresses on the life, character, and public services of Hon. MOSES P. KINKAID, late a Representative from the State of Nebraska.

Mr. ANDREWS of Nebraska. Mr. Speaker, I submit the following resolutions and ask their adoption.

The SPEAKER. The gentleman from Nebraska submits a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. MOSES P. KINKAID, late a Member of this House from the State of Nebraska.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of the day, shall adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The gentleman from Nebraska [Mr. Andrews] will please take the chair.

Mr. Andrews of Nebraska assumed the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nebraska [Mr. Humphrey].

Address by Representative Humphrey

Of Nebraska

Mr. SPEAKER: I realize fully well my inability to paint a word picture that will even faintly reflect the love, respect, and esteem in which the people of the sixth congressional district of Nebraska held the friendship and labor of the late Judge MOSES P. KINKAID. Even so, I bring this tribute to the shrine of his memory, that the people he served so long and faithfully as their Representative in Congress may have the solace of knowing that in his death his work, his activities, and his accomplishments have not been forgotten.

Judge KINKAID was born January 24, 1850, in the State of Virginia. His childhood and early boyhood were spent near the line that separates what is now West Virginia from Pennsylvania. His parents lived in Virginia, his grandparents in Pennsylvania. He had a vivid recollection of, and frequently referred to, the days just before the beginning of the Civil War, as well as the actual hostilities of contending armies in and about his boyhood home. In his reminiscent moods he frequently told of slave-running days, and how he, a boy, without comprehending the significance of the act, had piloted fugitive slaves coming from somewhere in the South and headed for Canada, to his grandparents' home in Pennsylvania, where food, shelter, and aid were afforded them. And

after reciting such incidents in his life he would add:

When I came to understand it, it made me constitutionally an abolitionist.

The war closed. Just before and during the war period young KINKAID had finished his studies at the common schools. Ambitious for an education, and thrilled by the stormy war scenes he had witnessed, though not participated in, he entered college in Greene County, Pa. After a time, how long I do not know, his parents died, and, quitting college, he turned his face to the West.

Selecting law as his chosen profession, he registered as a student at Ann Arbor, Mich., where he finished the law course and was admitted to practice in the year 1876. His studious habits, his keen analytical mind, and his gentlemanly bearing attracted the attention of the faculty and student body at this institution of learning and he was elected president of his class during his senior year, an honor he deeply appreciated and frequently alluded to when talking of the school-day period that is a part of every man's life.

From Ann Arbor he went to Henry County, Ill., fully equipped to enter the practice of the law. He had a quick, accurate legal mind, and was soon immersed in the litigation of the community. For a short time he conducted an office in Illinois, when the lure of the West again possessed him, and he quit an established practice to try new fields of endeavor.

The West at that time was going through a series of rapid evolutions. I think I might say, convulsions, and be well within the limits of the facts. West of the Missouri River it was an untried country. In the seventies the Union Pacific Railroad stretched across the plains in its reach for the Golden Gate. The Northwestern and Burlington had out scouting and surveying parties, examining, trying, testing an undeveloped country, and on whose report the railroad builders of the West would move. And into the turmoil and strife that such conditions produce we next find M. P. KINKAID, lawyer.

I was fortunate in forming an acquaintance with Judge KINKAID in 1887, an acquaintance that ripened into a warm personal friendship. And as I have studied the characteristics of his life and the psychology of his environment I have wondered how and why a man of his quiet, gentle, uncombative nature should throw in with the men who, at that time, were the rugged, quick, impulsive characters who were driving the black line of the desert before them in a strenuous effort to subdue a wilderness and change it from a cow country into an agricultural garden. But he did. He became a part of the frontier and a participant in its life and manners. He saw the country in its making and aided in its development. And his influence was always for good; his voice and his efforts for law and order.

Leaving Illinois, Judge KINKAID first located at Pierre, Dakota Territory. The railroad was pushing its nose into the West. He stopped at Sioux

Falls to get his bearings. From there he went to Yankton. A stretch of some 250 miles had to be made from Yankton to Pierre. This he made by wagon train, taking a working law library with him. He announced, when he opened his law office at Pierre, that it would some day become the capital of a State, and he never lost faith in this belief. While he was a resident of Pierre he was lawyer and banker for the community. The wild life of those "vigilante" days was vividly penciled in his memory. The trail leading west to the Black Hills country was crowded with prospectors and the class of men that a gold field always draws to it. Pierre became the headquarters for outfitting and supplies, and consequently drew to it all the various characters and elements that such a life affords. Of this wild and turbulent life of the West he was a witness but hardly a part. He spent the greater part of three years at Pierre, when transportation facilities changed the course of his life. He was remote from railroad connections. Then the Northwestern Railroad, headed from Omaha to the Black Hills country, built into O'Neill, Nebr. In order to get into closer touch with the outside world he disposed of his banking enterprise and moved his law office to O'Neill in the fall of 1881, where he resided until death called him, July 6, 1922.

About the same rough, rugged, ready, and uncouth citizenship that has always marked the building of a railroad into unsettled territory greeted him at his new location. And again I wonder why a man of his gentle and retiring

nature mingled from choice with the men on an untamed frontier. In the broadness and deepness of a new country, he elected to become a pioneer and bring to that country the standard of civilization, high morals, and personal fellowship that characterized his whole life. He brought to it more. He brought to it law and order, respect for individual rights, regard for society, and a desire for a religious life. Of all of these he was a sponsor and a part. It took courage to do this. Courage not of the kind displayed at St. Mihiel or in the Argonne Woods, but moral courage; courage of that high type that scorns ridicule, that defies gross censure. And out of it all came the KINKAID that we knew.

An incident indicative of the life he led in this new and rapidly developing country occurred last April. While at Pierre he was instrumental in organizing a Congregational church. He prepared the articles for the organization, incorporating it under the canon law of the church. The congregation built a new church at Pierre, and dedicated it last spring. The pastor in charge, looking over the old records of the church, uncovered the roll of the first membership. He wrote Judge KINKAID a letter, asking him to be present at, and participate in, the dedication services of the new church. The incident pleased the Judge greatly. And while he could not attend in person he wrote the pastor a letter, setting forth the early activities of the church and his humble effort to encourage a respect for a religious life and establish a desire

for the observance of religious customs in the open country of the West.

It is a great privilege to be one of the first in the settlement and development of a great country; to be a pioneer in its activities; to see the black line of the desert roll back; to see the country unfold and give up its treasures, its fruits, its grains, its products, to the efforts of the husbandman; to watch a country reclaimed, pass from the stage of frontier life and take on the habiliments of civilization. All this passed in panorama before Judge KINKAID. With the advent of the railroad, villages and towns sprung up. Churches were built and schoolhouses dotted the plains. Judge KINKAID'S entry into public life followed. It was natural that the men of such a reclaimed country should honor the strong man, the outstanding and directing character who leads and shows them the way to success.

The State senatorial district in which he lived was composed of five counties and the unorganized territory west of Holt, his home county. This "unorganized territory" was a stretch of country 60 miles wide and extending west to the Wyoming line, a distance of 288 miles. One line of railroad, the Northwestern, was building west through this district. A fight was on between conflicting interests in this new territory, just opening to settlement under the homestead laws. It was in the old days of the convention system of making nominations for public office. Delegates had to be elected and their attendance at the convention provided for. M. P. KINKAID, the lawyer, driving a pair of bron-

chos to a top buggy, made a canvass of this senatorial district in the interests of the homestead element. When the convention convened he was nominated. At the general election in 1882 he was elected and became the chairman of the judiciary committee of the senatorial body. The roster of the senate, appearing in the session laws for 1883, shows the following:

M. P. KINKAID, lawyer; O'Neill; born in Virginia; single; aged 32; Republican.

When the legislature adjourned he returned to his office at O'Neill and resumed the practice of the law. In 1884, and again in 1886, he declined to be a candidate for further legislative honors, although importuned by his friends to allow the use of his name in the political canvasses that followed.

In the meantime a population, gathered from all the Mississippi Valley States, was pouring through O'Neill into the counties organized from his old senatorial district. The legislature of 1887 found it necessary to redistrict the State into judicial districts to properly care for the growing interests of the new counties which were being rapidly populated. Judge KINKAID's home county, Holt, with the counties west of it to the Wyoming line, was organized into the ninth judicial district. No resident judge lived in this newly organized district. Judge KINKAID was appointed judge of the new district and assumed the duties of the office April 1, 1887. He was the first judge to hold court in the district, in extent 60 miles north and south and

288 miles east and west. Later this territory was served by two judges. But for five years Judge KINKAID was the sole presiding judge. He held court once each year in each county, and in some of them much oftener. The counties not reached by railroad he made by stage.

I wish I could make you comprehend the magnitude of his work, see the people who appeared before his court, and understand the problems that came before him for solution.

As a judge his work was not wholly judicial. He must bring to this newly organized district not only the law but a respect for it, and a willingness to abide by its dicta. No man could have performed this duty to society more successfully. The man charged with the commission of a crime—and there were many capital offenses on his trial docket—as well as the man who had suffered for the offense of another was made to feel that the protecting arm of the law was about him, and that in the court over which Judge KINKAID presided each would receive a square deal under the law, and justice would be done. By such methods, in the rugged life of the frontier, he brought respect for the administration of the law to the citizen, and with it a decent respect for order under the established customs of the law. People soon came to have faith in him, confidence in the justness of his administration, and esteemed him for the fairness of his judicial decisions.

For 13 years he made this territory, holding court, hearing controversies, settling disputes,

counseling public officials as to their duties, and giving advice from the bench to audiences assembled in the courtroom which in his judgment was wholesome and wise and for the best interests of the community he served. By such methods he built up friendships among the honest, industrious, virile men of his district, strong as steel bands and as enduring as granite. He possessed a wonderful knowledge of human nature, an accurate standard for measuring and understanding men.

At the end of his third term as judge he voluntarily retired from the bench, leaving a record for efficiency, measured by reversals, equaled by but few men who have served three full terms on the bench. He again resumed his practice at O'Neill.

Judge KINKAID'S entry into Congress as the Representative of the sixth congressional district of Nebraska was the natural sequence of a long and popular service on the district bench. He was first nominated in 1900 without opposition. The district, from its organization, had been anti-Republican, and at the general election following he was defeated.

At the convention in 1902 he was again nominated. But at this convention six strong men from the district contended for the nomination. Judge KINKAID was nominated on the 768th ballot. He was elected the following November. Since that election, covering now a period of 20 years, he has been nominated without opposition, and has received the support of the people of the district almost without regard to political lines. The great

faith the people had in him as their judge remained with him as their Representative in Congress. He was their fellow worker, their servant. His great heart was in the work he was doing for the people of the West. His first effort as a Member of the House was for the passage of the homestead law, known as the Kinkaid Act. Under its provisions practically all the public domain available for homestead purposes has been entered and homes established thereon. His next effort was directed toward the reclamation of the semi-arid lands of the West by irrigation. And while in the beginning this development was local in character, it has now assumed a national importance. Presiding over the House committee that directs this great work, the marked success of this arm of Government service was a great satisfaction to him. His efforts wherever put forth were in the interests of the home and the home builder. The success of the individual working to make for himself and his family a home on a Government homestead selected from the public domain was the first concern of his official life. The last concern of his eventful career was to bring to the man striving against the elements of nature to build up a home on a Government irrigation unit the means, the aid, and assistance that would carry the hope for success.

Of him I think it may be truly written, as of Abou of old:

I pray thee, then, write me as one who loves his fellow men.

Address by Representative Evans

Of Nebraska

Mr. SPEAKER: We are here to-day to pay our tribute to the memory of our late colleague, MOSES P. KINKAID. Over a quarter of a century have I known him, as citizen, district judge, and national legislator. Earlier he had served his State in its law-making body. To each of these positions he had brought earnest effort, intelligent conception, and unquestioned integrity. He was the Hamilton of the sixth congressional district of Nebraska, as large in extent as some States. He gave to its needs careful thought and crystallized his conclusions into enactments which have made the former weaknesses of that district its strength. He was instrumental in turning lonely sand hills into homes of happy ranchers and barren wastes into irrigated gardens. Although his district was greater in extent than several States and had a population greater than any other in his State, to no constituent did he ever turn a deaf ear. All appeals received prompt attention and response. No matter was too trivial for careful attention. So he kept in close touch with his people and became to all "Uncle MOSE," and such indeed he was. Upon the floor of the House he did not seek to be a leader or an orator, yet he invariably took care of the interest of his district and matters committed to him or his committee. He had by a consistent and honorable

course so won the confidence of his fellow Members that he was rarely if ever refused that which he sought. He left to others the speaking part and sought by service to secure the results that were best for his district, his State, and his country. When the roll of those who wrought well in the development of the great Northwest is made up, high on that roll will be the name of MOSES P. KINKAID.

He was tender-hearted as a mother, and if he had a weakness it was that he feared to cause pain even to those who merited the chastening rod. May we all live to leave as few wounds as he.

Address by Representative Thorpe

Of Nebraska

Mr. SPEAKER: It was not my good fortune to serve in Congress with MOSES P. KINKAID, whose memory we have assembled here to honor to-day. I can not, therefore, speak of his service in this House as my distinguished colleagues have spoken. But it is my purpose to say a few words here, which I am sure will meet the unanimous approval of the great citizenship of that great northwestern domain of our country which he so ably represented for so many years. MOSES P. KINKAID, through his untiring work and implicit faith, combined with his knowledge of the needs of humanity, lit the torch of civilization on more square miles of territory than any man in the last 50 to 100 years, and in hundreds and thousands of homes in Nebraska, Kansas, South Dakota, Montana, North Dakota, Idaho, Utah, Wyoming, Arizona, and New Mexico his name will always be remembered as the father of the Kinkaid Act.

Through this act millions of acres of land went under cultivation, happy homes were established, and cities were builded, and the Indian and the buffalo gave up their centuries old abiding place to the onrushing hordes of humanity seeking homes in the new land of promise and opportunity. MOSES P. KINKAID was a pioneer in every sense that the word implies; he devoted his life to the country that he loved; he was a builder not

only of homes and cities but a builder of character and a better citizenship; he spent his early life among the people of his chosen adoption and the people who loved him. Every plainsman and pioneer knew him and looked upon him as their friend, and when the time came for them to have a chance to show their appreciation of his efforts in their behalf all political lines were broken and all religious creeds forgotten, and Republicans and Democrats, Protestants and Catholics alike helped to make each one of his many victories more decisive. For more than a third of a century he served his State and the Nation, and in all these years not one word of reproach was ever cast against his name, and he went down to his last resting place remembered and loved by all who knew him.

It was my good fortune to know scores of his most intimate friends in northwestern Nebraska, who had known him from the first day that he set foot on the soil of the State which honors him today. It was a pleasure on many occasions to hear them relate the story of the early days, in which he was such a leading and important factor, and the history of the great Northwest would be incomplete without referring to this noble man who was one of its greatest benefactors. As a Member of Congress his history is indelibly written, so that time itself will never be able to erase his name from its pages.

Court records for years, and perhaps centuries, will refer to the act which he fathered. Learned

lawyers and judges will cite this important piece of legislation to courts and juries far down the avenue of time, and so it may be truly said of this good and faithful servant:

He left his footprints on the sands of time.

The history of Nebraska could not be written without the life of MOSES P. KINKAID. He stands without a parallel in the development of its great resources. Its citizens will ever remember and refer to the good service he rendered through the many years he gave in the various positions of trust that he was honored with.

He died in the harness, with his last days devoted to the cause of good government and a better citizenship. The Nation mourned at his departure, Nebraska wept at the loss of a true and faithful servant, high officials of the State and Nation mingled with the plainsman and the pioneer, to pay their last respects, when his mortal remains were brought by many sad hearts to his home city, on the last journey which finished his earthly career. He was consigned by loving hands to the mother earth that he helped to reclaim from the Indian and the buffalo, there to await the judgment day, and though no pretentious tomb of marble or granite may ever mark his resting place, his memory is forever enscrolled in the history of the great Northwest; yes, MOSES P. KINKAID is gone. The last page of his history is written. The chapter is ended.

He sleeps—

Out where the hand clasps a little stronger,
Out where the smile dwells a little longer,
That's where the West begins.
Out where the sun is a little brighter,
Where the snows that fall are a trifle whiter,
Where the bonds of home are a wee bit tighter,
That's where the West begins.

He sleeps—

Out where the skies are a trifle bluer,
Out where the friendship's a little truer,
That's where the West begins.
Out where a fresher breeze is blowing,
Where there's laughter in every streamlet flowing,
Where there's more of reaping and less of sowing,
That's where the West begins.

He sleeps—

Out where the world is in the making,
Where fewer hearts in despair are aching,
That's where the West begins;
Where there's more of singing and less of sighing,
Where there's more of giving and less of buying,
And a man makes friends without half trying,
In Nebraska; that's where the West begins.

Address by Representative O'Connor

Of Louisiana

Mr. SPEAKER: I came here to-day to join with the Members of the House of Representatives in expressing their grief and sorrow at the loss of the splendid Members in whose memory these exercises are held. I expected to express that sorrow by my presence. I did not expect to speak. I came to listen. As one of the speakers to-day was closing his splendidly appropriate address in a voice wet with tears and choking with emotion and heartsobs at the thought that while the parting was not for all eternity, it was an everlasting good-by as far as this earth is concerned, it occurred to me that we are not here so much to mourn as to express our admiration for the grand American lives that were led by those in whose memory we have met here, and by expressing our appreciation of the great work done by these splendid Americans, carry to those who will read of these exercises our admiration for these men, and thereby stimulate the youth of our land to emulate their virtues and endeavor to follow the splendid careers of the great legislators who have gone to that undiscovered country from whose bourne no traveler has ever returned.

It is not a new idea but it is nevertheless a grandly inspiring one that logically there must be beyond this sphere of action a higher and nobler arena where men who have been trained to meet

the great problems of the day on this earth and who have solved them will in all probability be accorded a higher and nobler theater in which to solve greater problems, and in that more exalted sphere of action to which they have been transferred, respond bravely to the call of duty, even as they did here. Not by lamentations and mournful chants, therefore, ought we to commemorate the virtues of a good man, but by hymns, for in ceasing to be numbered with mortals he enters upon the heritage of a larger, grander, nobler life. Of course, it is as natural to die as to be born; but death does not mean the tongueless silence of the dreamless dust; it merely marks the beginning of the waterfowl's journey through space from the wintry blast to the land of everlasting, eternal summer.

Death stamps the character and conditions of men for eternity and determines what position and in what theater they will act in the next world. As death finds them here in this world, will the new life find them there just as soon as the spirit takes wings for the other shore.

It is a fine idea to hold memorial services not only to express the grief which we can not restrain, but to a larger extent for the purpose of giving the youth of the country, the boys and girls, our admiration for those who have done noble things, not dreamed them all day long, and so made life and death and that vast forever one grand sweet song. So to-day we express our admiration for those splendid, heroic figures who, unmindful of the temptations to secure vast possessions and the

lure of great wealth, devoted their lives to the service of their country in the legislative halls of this land, who gave freely and unstintedly of their talents, remaining poor while they served here, in order that this Republic might continue to survive and be a Government of the people, for the people, by the people. It is a grandly inspirational idea which has been well expressed in the splendid words that have been spoken in memoriam—of the two greatest legislators who have gone to their reward, that in that higher sphere of action to which they have been called they are either near the Great White Throne or in some great field of duty assigned by the Almighty, are carrying out His will in accordance with a great universal divine plan.

I knew Judge KINKAID, as I was wont affectionately to call him, for from the day I first came here he appealed powerfully to my imagination. I knew not why, but I know it to-day. It little occurred to me that that quiet, gentlemanly, almost subdued figure that sauntered from the Office Building over to this Capitol could have beneath his breast the wild and fiery spirit that participated in the winning of the West and saw in that great theater the performances that he wished to see on this earth—the subjugation of the wilderness by civilization. During the strolls that I took with him he used to express his love and admiration for what he considered the great literature of our language, and on one occasion—I never will forget it—he stopped and told me how much he loved the philosophical contemplations contained

in the immortal Thanatopsis. As a youth I used to recite those lines which well express that which is away deep down in our own thoughts and souls, and I am going to recall them, because I am sure that Judge KINKAID lives in some scene beyond this, but is able to listen and is listening to the voices of his living friends. If it were otherwise it would be the most illogical construction that could be devised by man, let alone by Almighty God.

If silentium—nothing but eternal silence after the grave—then, indeed, can the human race sigh with Omar—

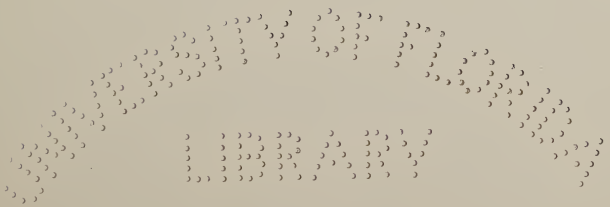
> Oh Love could you and I with Him conspire
> To grasp this sorry scheme of things entire,
> Would we not shatter it to bits
> And then remould it nearer to the heart's desire?

I am sure Judge KINKAID is listening, and I know it will please him to hear the lines that gave earthly fame and worldly glory to William Cullen Bryant.

I will recite them, but will omit them from the Record, for they are the spiritual life of our country, beautifully, religiously, sacredly, profoundly expressed, and are, or should be, known to every American man and woman and to every boy and girl of America.

Another word and I am done, for with that requiem all is said that can be said. "And God said, Let there be light, and there was light," needs no elaboration.

Judge KINKAID was a righteous man. And it matters not at what hour the righteous fall asleep. Death can not come untimely to him who is fit to die. The less of this cold world, the more of heaven; the briefer life, the earlier immortality.



Address by Representative Smith

Of Idaho

Mr. SPEAKER: The long-established custom followed in the House of meeting here to honor the memory of departed Members seems to me a sacred one. It is with this feeling that I avail myself of the opportunity to lay my modest tribute before the bier of our late colleague, MOSES P. KINKAID. My association with Judge KINKAID in our public duties was quite intimate during my 10 years' service in this House. We served together through several sessions on the Committee on Arid Lands, of which he was chairman, and in the consideration of reclamation legislation, in which we were both deeply interested, our relations were most cordial. Upon the announcement of his death I felt a deep sense of personal loss. He was a kindly, unassuming, polished gentleman of the old school, in whose heart there was no guile and in whose life there was no wrong. In the performance of his public duties he was earnest, conscientious, and steadfast.

Judge KINKAID was born in the State of Virginia, and went to Nebraska in 1881, where he resided, except while in Washington, until his death. He was a lawyer by profession, having graduated with honor from the law department of the University of Michigan in 1876, and entering practice soon thereafter. He was elected to the State senate in

Nebraska in 1883 and was made chairman of the judiciary committee of that body. He served as judge of the district court 13 years, and at the end of his third term was elected to the Fifty-eighth Congress, and served here continuously until his death, a period of 20 years, lacking only a few months of the uncompleted term. We miss him more than words can express.

Those who count the length of their service in this House by a long succession of terms see a great many changes—many friendships broken up. These experiences are the saddest things in life. It is said that death loves a shining mark, and so we are often called upon to follow to the grave those whom we most look up to and most admire and love. We can not claim for our departed colleague that he was a towering figure either in the law, in statecraft, or in legislative accomplishment, but he was wise unto his day and generation, efficient and faithful. He was one who won in the race of life fairly, and wore his honors with dignity, courtesy, and grace. He was born in an humble home where life was a struggle for existence, from which condition unaided by the power of money or social influence he made his way up to the zenith of his ambition in the American Congress and died in the Nation's arms. And so he has passed, this kindly man and faithful public servant, to his reward. To me it seemed during the latter months of his life that he had come to the time when he felt—

A little more tired at close of day,
A little less anxious to have our way,
A little less ready to scold and blame,
A little more care of a brother's name,
And so we are nearing the journey's end,
Who have our envy now.

During these final months he appeared unnaturally depressed at times, as though some great sorhow had cast its shadow over his life, and I often thought of the lines:

If each man's inner sorrow
Were writ upon his brow,
How many would our pity have
Who have our envy now?

But since his death I have believed that his apparent depression was caused rather by a knowledge of his rapidly failing health.

It was my privilege to be one of the Members of the House designated by the Speaker to accompany his remains to their last resting place in Nebraska. The great outpouring of people at the funeral amply attested the high esteem in which Judge KINKAID was held in his home community. He had no immediate family, never having married, and so it may be that those who miss him most are his late associates in this House. So, on this sacred Sabbath day, in this historic Chamber, let us consecrate ourselves to that fervent and all absorbing patriotism, that high purpose to serve the people we are honored to represent, with the fidelity which characterized our departed friend.

Address by Representative Mondell

Of Wyoming

Mr. SPEAKER: I was for many years the friend and neighbor of MOSES P. KINKAID. Our districts joined. The interests of our people were largely identical. The territory he represented was familiar to me, and while I had not been fortunate enough to meet our friend prior to his election to Congress, I knew of him. I had heard many interesting stories of his services on the bench in the adjoining State of Nebraska and of the splendid work which he accomplished there. During his service in Congress I was intimately associated with him; as a colleague and a neighbor and friend I met him and frequently discussed questions and problems in which we were both interested. His was a lovable and delightful character. As has been suggested by one of the speakers this afternoon, Judge KINKAID, with his quiet ways, did not strike one as typical of the strenuous and breezy land from which he hailed and the stirring and tempestuous times of the frontier through which he lived. Nevertheless he was truly representative of his time and his section; he was a true pioneer with a genius for constructive work. It is known to all men in that section that he exercised for many years, as judge, a splendid influence for good, for law, and for order.

In this House, while quiet and unassuming, while occupying but little time on the floor in discussion, he exercised a very considerable influence, and he was at all times exceedingly active and earnest in furthering the interests of his section and his people. It was his good fortune to have his name attached to one of the best and one of the most beneficial laws enacted in our time for the settlement and development of our western country. He was always considerate of others, he was faithful to his duties, and he leaves behind him a fine record of good work. I am glad to have been his friend and associate and I shall always hold him in pleasing recollection as a true man and a good friend.

Address by Representative Fuller

Of Illinois

Mr. SPEAKER: Judge KINKAID and I were elected to Congress at the same time in 1902. During most of his 20 years' service here we served on the same committee. I came to know him quite intimately and had for him the very highest respect and esteem. He was a very able lawyer and his service was of great value to the constituency he represented. I can readily understand why his constituents returned him term after term with substantial unanimity, for those who knew him best could not but have the utmost confidence in both his ability and his faithfulness to every trust reposed in him. He was an exceedingly conscientious man and to every public duty devoted his best thought and energy. He was in truth and in fact what has been often designated as the noblest work of God, an honest man. No suspicion of any wrong or dishonest motive ever attached to him. He gave to every question upon which he was required to pass earnest, sincere, and conscientious consideration. The committees upon which he served will miss his wise counsel, and he will long be remembered by all of his colleagues, with kindly thoughts and appreciation of his public services and admiration for his sterling character. When good men like him pass over to that other world of which we dream, but of which we know so little, they leave an impress on their associates

here that helps to make the world better, and in giving expression to the esteem in which our colleague was held, and our appreciation of his sterling character, and of his long and meritorious public service, we hope and feel with confidence that wherever his spirit may dwell, our loss may be his gain, and that with him all is well.

The Speaker resumed the chair.

Mr. ANDREWS of Nebraska. Mr. Speaker, the gentleman from Colorado [Mr. Taylor] and the gentleman from Nebraska [Mr. McLaughlin] had intended to offer some remarks to-day in memory of Judge KINKAID, but are unavoidably detained from the House. I ask unanimous consent that all Members who wish may extend their remarks in the Record.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that all Members may have leave to extend their remarks in the Record. Is there objection?

There was no objection.

Address by Representative Andrews

Of Nebraska

Mr. SPEAKER: I rise to pay my tribute of respect to the memory of our former colleague, the Hon. MOSES P. KINKAID, late a Representative in Congress from the sixth congressional district of Nebraska.

He was a native of the State of West Virginia, but in his early manhood he moved westward with the Star of Empire and made Nebraska his adopted State. In connection with his practice of the law, he entered immediately into the public activities of the community and State of his choice. As a lawyer he seemed to have an inclination toward official life and the people of his community recognized in him suitable qualifications for public service. Accordingly he was chosen in due time to represent them in the legislature of his State, and afterwards he was promoted to the district bench, where he served for several years with honor and distinction. Soon after his retirement from his judicial service he was elected to the Fifty-eighth Congress, and to each succeeding Congress, including the Sixty-seventh, making a continuous service of nearly twenty years, the longest period of congressional service ever rendered by any Nebraskan in this House. In view of the fluctuations of Nebraska politics during that period of time, we are naturally prompted to ask the question—

How did he maintain his political supremacy in his district for so many years? This question becomes more interesting because of the fact that his district had been under Democratic and Populistic control for ten or twelve years before his first election.

His campaign for reelection in 1904 was assisted very materially by the Roosevelt campaign of that year, which carried with it the Republican ticket generally throughout the State. The chief reasons for his success, however, will be found in his own character and personal services for the people of his district. He was the most successful handshaker ever known in Nebraska politics. In his conversations with men throughout his district he impressed them as deeply interested in their individual welfare. Instead of asserting positive opinions of his own for or against any particular question that may have been under consideration, he manifested such thoughtful recognition of the views of his friend as to win the confidence of the latter in an unusual degree. This characteristic played no small part in his political success; nevertheless, it was only a minor part. He applied himself so diligently to the actual needs of the people of his district and was so successful in securing favorable legislation in their interests as to increase that confidence and establish it firmly in his favor.

The most notable feature in his service record is the Kinkaid Homestead Act. Many people in his district had found it impossible to succeed with only a quarter section of land because of the

peculiar agricultural and grazing conditions of that section of the State. It was finally decided that an entire section of land would give the homesteader ample resources and opportunities for success. Accordingly the Kinkaid Act was passed granting homestead privileges for an entire section of Government land. That measure has had a very great success for that portion of our State.

The gratitude and confidence of the people who shared in its benefits have been very distinctly marked. Many times the fear has been manifested by them that they would lose their titles to their homesteads if Mr. KINKAID should die. This remarkable confidence and gratitude toward him made him in the later years invincible against any combination that the opposition might develop. In addition to this, no man in Congress ever paid more diligent attention to the minor details of business in behalf of his constituents than Mr. KINKAID. His service was limited only by his time, opportunity, and capacity to do what he could to benefit his people. Here we observe in his official record and life a true representative of popular government.

Note the extent to which public recognition of such qualifications on the part of public officials will go in maintaining popular government and shielding it from severe criticism.

During his long public career in the legislature, on the bench, and in Congress, I have never heard anyone charge him with dishonesty. Those who have honored him with their confidence and support will surely find profound gratification in this

fact. Every public official should keenly realize that such recognition by the people constitutes a large portion of the genuine rewards that can come from official service. The true servants of the public, especially those in the Congress of the United States, will prize this reward above all others. In the quiet, calm reflection of future years, the consciousness of having served one's country honestly and helpfully will be a source of genuine delight.

During the closing years of his congressional career he devoted his attention and energy to legislation, providing for the irrigation of arid lands. This subject appealed to him with tremendous force because it had been pressed in upon his attention by a wide range of observation. He had witnessed the transformation of arid lands into fields and gardens of richness and beauty. He found an inspiration in doing things that would reclaim the desert places and make them contribute to the wealth and happiness of mankind.

This story runs without limit. The wealth that it has brought to the people of the arid sections of our country can not be measured in dollars and cents. Thus, in the midst of his congressional career he has extended the helping hand not only to his immediate constituents but likewise to the people of the entire country.

When we think of the brilliant achievements that have been sketched here to-day in eulogies for our former colleague, the Hon. James R. Mann, of Illinois, and others who could be named without limit that have served their country faith-

fully and efficiently, we can not resist a feeling of regret that such useful lives should close prematurely at times of great need. But yesterday they were active here and their voices were ringing out with words of wisdom and guidance for all of us in our efforts to serve our country. To-day they are silent. How strange the contrast. Life seemed to hold them for a little time between two eternities. But life! Life! What is it? Whence came it? Whither is it going? It is only a little span between two eternities. Out of the past it came, into the future it goes. But what is its mission here? It builds homes, communities, states, nations. It erects cottages, temples, palaces, and great cities. May we not say, and may we not have the assurances of our deceased colleagues whose memories we revere to-day, that the great mission of the people of the United States of America is to lead the world into still larger measures of liberty, freedom, happiness, and prosperity.

The Clerk read the further resolution, as follows:

Resolved, That, as a further mark of respect to the memory of late Representative KINKAID, this House do now adjourn.

The resolution was agreed to.

Accordingly (at 3 o'clock and 56 minutes p. m.), the House adjourned until to-morrow, Monday, January 15, 1923, at 12 o'clock noon.

Proceedings
in the
United States Senate

Proceedings in the Senate

THURSDAY, *July 6, 1922.*

Mr. NORRIS. Mr. President, it becomes my sad duty to announce to the Senate the death of Hon. MOSES P. KINKAID, for 20 years a Member of the House of Representatives from the State of Nebraska, who died in this city this morning.

I ask unanimous consent for the present consideration of the resolutions which I send to the desk.

The resolutions (S. Res. 318) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. MOSES P. KINKAID, late a Representative from the State of Nebraska.

Resolved that a committee of six Senators be appointed by the Presiding Officer to attend the funeral.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The Presiding Officer, under the second resolution, appointed Mr. Norris, Mr. Hitchcock, Mr. Jones of Washington, Mr. Ashurst, Mr. Johnson, and Mr. Norbeck as the committee on the part of the Senate to attend the funeral of the deceased Representative.

Mr. NORRIS. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate take a recess.

The motion was unanimously agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate, under the order previously made, took a recess until to-morrow, Friday, July 7, 1922, at 11 o'clock a. m.

TUESDAY, *August 15, 1922.*

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, communicated to the Senate the resolutions of the House unanimously adopted as a tribute to the memory of Hon. MOSES P. KINKAID, late a Representative from the State of Nebraska.

Moses P. Kinkaid main
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